

KOH/TFH: USAO2016R0477

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ROY DAVID EVANS, JR.,

Defendant

CRIMINAL NO. PX-16-421

(Coercion and Enticement,
18 U.S.C. § 2422(b); Possession
of Child Pornography, 18 U.S.C.
§ 2252A(a)(5)(B); Receipt of
Child Pornography, 18 U.S.C.
§ 2252A(a)(2); Production of Child
Pornography, 18 U.S.C. § 2251(a);
Attempted Coercion and Enticement,
18 U.S.C. § 2422(b); Forfeiture,
18 U.S.C. §§ 2253 and 2428, 21 U.S.C.
§ 853, 28 U.S.C. § 2461(c))

SUPERSEDING INDICTMENT

COUNT ONE

(Coercion and Enticement)

The Grand Jury for the District of Maryland charges that:

Between in or about June 2015 and in or about February 2016, in the District of
Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

using any facility and means of interstate and foreign commerce, knowingly attempted to and did
persuade, induce, entice, and coerce Victim 1, who had not attained the age of 18 years, to
engage in any sexual activity for which any person can be charged with a criminal offense,
namely, Maryland Criminal Law § 3-307, sexual offense in the third degree.

18 U.S.C. § 2422(b)

COUNT TWO
(Possession of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

Between on or about August 26, 2015 and on or about October 5, 2015, in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

knowingly possessed any material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), to wit, multiple images and videos of Victim 1 engaged in sexually explicitly conduct, which image had been mailed, shipped, and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

18 U.S.C. § 2252A(a)(5)(B)

COUNT THREE
(Receipt of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

On or about January 5, 2016, in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

knowingly received child pornography and materials that contain child pornography, as defined in Title 18, United States Code, Section 2256(8), to wit, a video of Victim 1 engaged in sexually explicitly conduct, that had been mailed, shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer.

18 U.S.C. § 2252A(a)(2)

COUNT FOUR
(Production of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

On or about January 15, 2016, in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

knowingly employed, used, persuaded, induced, enticed, and coerced a minor, Victim 1, to engage in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

18 U.S.C. § 2251(a)

COUNT FIVE
(Receipt of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

On or about January 16, 2016, in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

knowingly received child pornography and materials that contain child pornography, as defined in Title 18, United States Code, Section 2256(8), to wit, a video of Victim 1 engaged in sexually explicitly conduct, that had been mailed, shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer.

18 U.S.C. § 2252A(a)(2)

COUNT SIX
(Production of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

On or about February 12, 2016, in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

knowingly employed, used, persuaded, induced, enticed, and coerced a minor, Victim 1, to engage in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

18 U.S.C. § 2251(a)

COUNT SEVEN
(Attempted Coercion and Enticement)

The Grand Jury for the District of Maryland further charges that:

Between in or about November 2015 and in or about February 2016, in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

using any facility and means of interstate and foreign commerce, knowingly attempted to persuade, induce, entice, and coerce Victim 2, who had not attained the age of 18 years, to engage in prostitution and any sexual activity for which any person can be charged with a criminal offense, namely, Maryland Criminal Law § 3-307, sexual offense in the third degree.

18 U.S.C. § 2422(b)

COUNT EIGHT
(Receipt of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

On or about December 6, 2015, at approximately 5:06 a.m. (UTC+0), in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

knowingly received child pornography and materials that contain child pornography, as defined in Title 18, United States Code, Section 2256(8), to wit, two videos of Victim 2 engaged in sexually explicitly conduct, that had been mailed, shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer.

18 U.S.C. § 2252A(a)(2)

COUNT NINE
(Production of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

On or about December 6, 2015, at approximately 5:11 a.m. (UTC+0), in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

knowingly employed, used, persuaded, induced, enticed, and coerced a minor, Victim 2, to engage in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

18 U.S.C. § 2251(a)

COUNT TEN
(Attempted Coercion and Enticement)

The Grand Jury for the District of Maryland further charges that:

Between in or about December 2015 and in or about January 2016, in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

using any facility and means of interstate and foreign commerce, knowingly attempted to persuade, induce, entice, and coerce Victim 3, who had not attained the age of 18 years, to engage in prostitution and any sexual activity for which any person can be charged with a criminal offense, namely, Maryland Criminal Law § 3-307, sexual offense in the third degree.

18 U.S.C. § 2422(b)

COUNT ELEVEN
(Production of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

On or about January 9, 2016, at approximately 3:15 a.m. (UTC+0), in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

knowingly employed, used, persuaded, induced, enticed, and coerced a minor, Victim 3, to engage in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

18 U.S.C. § 2251(a)

COUNT TWELVE
(Production of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

On or about January 9, 2016, at approximately 3:20 a.m. (UTC+0), in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

knowingly employed, used, persuaded, induced, enticed, and coerced a minor, Victim 3, to engage in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

18 U.S.C. § 2251(a)

COUNT THIRTEEN
(Production of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

On or about January 9, 2016, at approximately 3:33 a.m. (UTC+0), in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

knowingly employed, used, persuaded, induced, enticed, and coerced a minor, Victim 3, to engage in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

18 U.S.C. § 2251(a)

COUNT FOURTEEN
(Possession of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

On or about February 24, 2016, in the District of Maryland and elsewhere, the Defendant,

ROY DAVID EVANS, JR.,

knowingly possessed any material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), which image had been mailed, shipped, and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

18 U.S.C. § 2252A(a)(5)(B)

FORFEITURE ALLEGATION

The Grand Jury for the District of Maryland further finds that:

1. Pursuant to Federal Rule of Criminal Procedure 32.2, notice is hereby given to the Defendant that the United States will seek forfeiture as part of any sentence in accordance with 18 U.S.C. §§ 2428 and 2253, 21 U.S.C. § 853, and 28 U.S.C. § 2461(c), as a result of the Defendant's convictions under Counts One through Fifteen of this Superseding Indictment.

Coercion and Enticement Forfeiture

2. Pursuant to Title 18, United States Code, Section 2428, upon conviction of the offense set forth in Counts One, Seven, and Ten of this Superseding Indictment, in violation of Title 18, United States Code, Section 2422(b), the Defendant,

ROY DAVID EVANS, JR.,

shall forfeit to the United States of America:

a. Any property, real or personal, used or intended to be used to commit or to facilitate the commission of the offenses; and

b. Any property, real or personal, constituting or derived from proceeds obtained, directly or indirectly, from the offenses.

Production, Receipt, and Possession of Child Pornography Forfeiture

3. Pursuant to Title 18, United States Code, Section 2253, upon conviction of the offenses set forth in Counts Two through Six, Eight, Nine, and Eleven through Fourteen of this Superseding Indictment, in violation of Title 18, United States Code, Sections 2251 and 2252A, the defendant,

ROY DAVID EVANS, JR.,

shall forfeit to the United States of America:

a. Any visual depiction described in Title 18, United States Code, Section 2251 and 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and

c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses.

Substitute Assets

4. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b) and Title 28, United States Code, Section 2461(c).

18 U.S.C. § 2428
18 U.S.C. § 2253
21 U.S.C. § 853
28 U.S.C. § 2461(c)

Stephen M. Schenning | KOH
Stephen M. Schenning
Acting United States Attorney

A TRUE BILL:

SIGNATURE REDACTED

Foreperson

8-28-17
Date